

MESSAGE NO: 2073201 MESSAGE DATE: 03/14/2002

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-122-838, C-122-839

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/19/2001 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: CORRECTION TO MESSAGE #2044201 IN AD (A-122-838) AND CVD (C-122-839)
INVESTIGATION OF CERTAIN SOFTWOOD LUMBER FROM CANADA

MESSAGE NO: 2073201 DATE: 03 14 2002

CATEGORY: CVD TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: C - 122 - 839 - -

A - 122 - 838 - -

- - - -

PERIOD COVERED: 05 19 2001 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: CORRECTION TO MESSAGE #2044201 IN AD (A-122-838)
AND CVD (C-122-839) INVESTIGATION OF CERTAIN
SOFTWOOD LUMBER FROM CANADA

1. THIS MESSAGE IS A CORRECTION TO MESSAGE # 2044201 DATED
FEBRUARY 13, 2002. MESSAGE #2044201 IS INCORRECT AND SHOULD BE
DISREGARDED.

2. THIS MESSAGE AMENDS THE SCOPE LANGUAGE IN THE ANTIDUMPING
(A-122-838) AND THE COUNTERVAILING DUTY (C-122-839)
INVESTIGATIONS
ON CERTAIN SOFTWOOD LUMBER FROM CANADA.

3. ON FEBRUARY 11, 2002, THE DEPARTMENT PUBLISHED AN AMENDMENT TO THE PRELIMINARY DETERMINATION NOTICES IN THE ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS ON SOFTWOOD LUMBER FROM CANADA. IN THAT NOTICE THE DEPARTMENT CLARIFIED THE HARMONIZED TARIFF SCHEDULE HEADINGS UNDER WHICH IN-SCOPE PRODUCTS MAY BE CLASSIFIED. THE WRITTEN DESCRIPTION OF THE SCOPE REMAINS UNCHANGED.

4. ON FEBRUARY 22, 2002, THE DEPARTMENT PUBLISHED A CORRECTION TO THE AMENDMENT TO THE PRELIMINARY DETERMINATION NOTICES IN THE ANTIDUMPING AND COUNTERVAILING DUTY INVESTIGATIONS ON SOFTWOOD LUMBER FROM CANADA. IN THAT NOTICE THE DEPARTMENT CORRECTED THE EFFECTIVE DATE OF THE AMENDMENT TO BE MAY 19, 2001.

5. THE AMENDED LANGUAGE DESCRIBING THE PRODUCTS EXCLUDED FROM THE SCOPE IS AS FOLLOWS.

GROUP A. SOFTWOOD LUMBER PRODUCTS EXCLUDED FROM THE SCOPE:

(1) TRUSSES AND TRUSS KITS, PROPERLY CLASSIFIED UNDER HTSUS 4418.90

(2) I-JOIST BEAMS

(3) ASSEMBLED BOX SPRING FRAMES

(4) PALLETS AND PALLET KITS, PROPERLY CLASSIFIED UNDER HTSUS 4415.20

(5) GARAGE DOORS

(6) EDGE-GLUED WOOD, PROPERLY CLASSIFIED UNDER HTSUS ITEM

4421.90.9840

(7) PROPERLY CLASSIFIED COMPLETE DOOR FRAMES.

(8) PROPERLY CLASSIFIED COMPLETE WINDOW FRAMES

(9) PROPERLY CLASSIFIED FURNITURE

GROUP B. SOFTWOOD LUMBER PRODUCTS EXCLUDED FROM THE SCOPE ONLY IF THEY MEET CERTAIN REQUIREMENTS:

(1) STRINGERS (PALLET COMPONENTS USED FOR RUNNERS): IF THEY HAVE

AT LEAST TWO NOTCHES ON THE SIDE, POSITIONED AT EQUAL DISTANCE FROM THE CENTER, TO PROPERLY ACCOMMODATE FORKLIFT BLADES, PROPERLY CLASSIFIED UNDER HTSUS 4421.90.9840.

(2) BOX-SPRING FRAME KITS: IF THEY CONTAIN THE FOLLOWING WOODEN

PIECES- TWO SIDE RAILS, TWO END (OR TOP) RAILS AND VARYING NUMBERS OF SLATS. THE SIDE RAILS AND THE END RAILS SHOULD BE RADIUS-CUT AT BOTH ENDS. THE KITS SHOULD BE INDIVIDUALLY PACKAGED, THEY SHOULD CONTAIN THE EXACT NUMBER OF WOODEN COMPONENTS NEEDED TO MAKE A PARTICULAR BOX SPRING FRAME, WITH NO FURTHER PROCESSING REQUIRED. NONE OF THE COMPONENTS EXCEEDS 1" IN ACTUAL THICKNESS OR 83" IN LENGTH.

(3) RADIUS-CUT BOX-SPRING-FRAME COMPONENTS, NOT EXCEEDING 1" IN

ACTUAL THICKNESS OR 83" IN LENGTH, READY FOR ASSEMBLY WITHOUT

FURTHER PROCESSING. THE RADIUS CUTS MUST BE PRESENT ON BOTH ENDS OF THE BOARDS AND MUST BE SUBSTANTIAL CUTS SO AS TO COMPLETELY ROUND ONE CORNER.

(4) FENCE PICKETS REQUIRING NO FURTHER PROCESSING AND PROPERLY

CLASSIFIED UNDER HTSUS 4421.90.70, 1" OR LESS IN ACTUAL THICKNESS, UP TO 8" WIDE, 6' OR LESS IN LENGTH, AND HAVE FINIALS OR DECORATIVE CUTTINGS THAT CLEARLY IDENTIFY THEM AS FENCE PICKETS. IN THE CASE OF DOG-EARED FENCE PICKETS, THE CORNERS OF THE BOARDS SHOULD BE CUT OFF SO AS TO REMOVE PIECES OF WOOD IN THE SHAPE OF ISOSCELES RIGHT ANGLE TRIANGLES WITH SIDES MEASURING 3/4 INCH OR MORE.

LUMBER PRODUCTS THAT CUSTOMS MAY CLASSIFY AS STRINGERS, RADIUS CUT BOX-SPRING-FRAME COMPONENTS, AND FENCE PICKETS, NOT

CONFORMING TO THE ABOVE REQUIREMENTS, AS WELL AS TRUSS COMPONENTS

OR PALLET COMPONENTS, ARE COVERED UNDER THE SCOPE OF THESE INVESTIGATIONS AND MAY BE CLASSIFIED UNDER HTSUS SUBHEADINGS 4418.90.40.90, 4418.90.45.90, 4421.90.70.40, 4421.90.97.40 AND 4421.90.98.40.

6. ON JANUARY 24, 2002, CUSTOMS INFORMED THE DEPARTMENT OF CERTAIN CHANGES IN THE 2002 HTSUS AFFECTING THESE PRODUCTS. SPECIFICALLY, SUBHEADINGS 4418.90.40.90 AND 4421.90.98.40 WERE CHANGED TO 4418.90.45.90 AND 4421.90.97.40, RESPECTIVELY. THEREFORE, WE ARE ADDING THESE SUBHEADINGS TO THE SCOPE.

7. ACCORDINGLY, FOR IMPORTS OF CERTAIN SOFTWOOD LUMBER PRODUCTS CLASSIFIED UNDER THE HTSUS SUBHEADINGS 4418.90.40.90, 4418.90.45.90, 4421.90.70.40, 4421.90.97.40 AND 4421.90.98.40, THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER

MAY 19, 2001. CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR POSTING OF A BOND EQUAL TO THE ESTIMATED PRELIMINARY NET SUBSIDY RATE OF 19.31 PERCENT. AS EXPLAINED IN MESSAGE # 1348204 DATED DECEMBER 14, 2001, FIELD OFFICERS SHALL DISCONTINUE THE SUSPENSION OF LIQUIDATION FOR COUNTERVAILING DUTY PURPOSES ON ALL SHIPMENTS OF THE SUBJECT MERCHANDISE (INCLUDING THOSE UNDER 4418.90.40.90, 4418.90.45.90, 4421.90.70.40, 4421.90.97.40 AND 4421.90.98.40) ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER

DECEMBER 15, 2001.

8. IN ADDITION, EFFECTIVE NOVEMBER 6, 2001, CUSTOMS SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

MANUFACTURER/PRODUCER	CUSTOMS ID NUMBER	MARGIN (%)
-----------------------	-------------------	------------

(ABITIBI GROUP)

ABITIBI CONSOLIDATED INC.	A-122-838-001	13.64
---------------------------	---------------	-------

PRODUITS FORESTIERS PETIT PARIS INC.	A-122-838-002	13.64
--------------------------------------	---------------	-------

PRODUITS FORESTIERS LA TUQUE INC.	A-122-838-003	13.64
SCIERIES SAGUENAY LTEE.	A-122-838-004	13.64
SOCIETE EN COMMANDITE SCIERIE OPTICWAN	A-122-838-005	13.64

(CANFOR GROUP)

CANFOR CORPORATION	A-122-838-006	12.98
LAKELAND MILLS LTD.	A-122-838-007	12.98
THE PAS LUMBER COMPANY LTD.	A-122-838-008	12.98
HOWE SOUND PULP AND PAPER LIMITED PARTNERSHIP	A-122-838-009	12.98

SLOCAN FOREST PRODUCTS LTD.	A-122-838-010	19.24
-----------------------------	---------------	-------

(TEMBEC GROUP)

TEMBEC INC.	A-122-838-011	10.76
MARKS LUMBER LTD.	A-122-838-012	10.76
EXCEL FOREST PRODUCTS	A-122-838-013	10.76

(WEST FRASER GROUP)

WEST FRASER TIMBER CO. LTD.	A-122-838-014	5.94
WEST FRASER FOREST PRODUCTS INC.	A-122-838-015	5.94
SEEHTA FOREST PRODUCTS LTD.	A-122-838-016	5.94

(WEYERHAEUSER GROUP)

WEYERHAEUSER COMPANY	A-122-838-017	11.93
MONTERRA LUMBER MILLS LTD.	A-122-838-018	11.93
WEYERHAUSER SASKATCHEWAN LTD.	A-122-838-019	11.93

ALL OTHERS	A-122-838-000	12.58
------------	---------------	-------

PLEASE NOTE: WITH REGARD TO ANTIDUMPING DUTIES, IF THE EXPORTER DOES NOT HAVE A COMPANY-SPECIFIC MARGIN BUT THE MANUFACTURER IS KNOWN, THE RATE OF THE MANUFACTURER WILL APPLY. IF THE MANUFACTURER DOES NOT HAVE A SPECIFIC MARGIN OR IS NOT KNOWN, THE ALL OTHERS RATE WILL APPLY.

9. AS PREVIOUSLY INDICATED, THREE FORMULAS WILL BE USED TO DETERMINE PROPER BOND AMOUNTS:

(1) USE OF CONTINUOUS BOND: CONTINUOUS BOND 10% OF DUTIES, TAXES AND FEES PAID IN THE PREVIOUS 12 MONTHS OR \$50,000, WHICHEVER IS GREATER, PLUS 38.55% OF THE TOTAL ENTERED VALUE FOR THE PREVIOUS 12 MONTHS EQUALS THE AMOUNT OF THE NEW CONTINUOUS BOND.

(2) USE OF ONLY AN SEB (SINGLE ENTRY BOND): THE AMOUNT OF AN SEB EQUALS THE TOTAL ENTERED VALUE PLUS ALL DUTIES, TAXES AND FEES PLUS 19.31% CVD PLUS THE APPROPRIATE ADD MARGIN RATE OF THE TOTAL ENTERED VALUE OF THE INSTANT SHIPMENT.

(3) USE OF BOTH A CONTINUOUS BOND AND AN SEB: IN THIS CASE THE CONTINUOUS BOND ALREADY ON FILE MUST BE SUFFICIENT TO COVER THE 10% REQUIREMENT OF DUTIES, TAXES AND FEES OR \$50,000, WHICHEVER IS GREATER, AND THE SEB IS FOR THE 19.31% CVD PLUS THE APPROPRIATE ANTIDUMPING DUTY MARGIN PERCENTAGE OF THE ENTERED VALUE OF THE INSTANT SHIPMENT. IN THIS METHODOLOGY, THERE WOULD BE TWO BONDS PRESENTED, ONE CONTINUOUS BOND FOR CUSTOMS DUTIES, TAXES AND FEES AND ONE SEB FOR BOTH THE CVD AND ANTIDUMPING DUTY, IF APPLICABLE.

10. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, VIA EMAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT MARIA MACKAY OR GAYLE LONGEST, OFFICE OF AD/CVD ENFORCEMENT VI, GROUP II, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-1775 AND (202) 482-3338, RESPECTIVELY.

11. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party